

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Amendment of Section 73.202(b))
FM Table of Allotments,)
FM Broadcast Stations.)
(Various Locations))
)

ORDER

Adopted: February 9, 2022

Released: February 9, 2022

By the Assistant Chief, Audio Division, Media Bureau:

1. This *Order* amends, the FM Table of Allotments,¹ to designate as unreserved the FM allotment channels that are reserved for noncommercial educational (“NCE”) use in various communities. The attached Appendix shows the FM Table of Allotments, as amended, for those communities. The FM allotments are vacant as a result of the dismissal of an application or cancellation of the authorization or license.² We classify as unreserved these NCE channels that are in the commercial band (Channels 221 to 300) by operation of law, pursuant to *Reexamination of the Comparative Standard for Noncommercial Educational Applicants*.³

2. We will periodically issue Orders to update the FM Table of Allotments to reinstate and/or designate as unreserved FM allotments reserved for NCE use. The vacant FM allotments listed in the Appendix have previously undergone notice and comment rule making.

3. We conclude that these changes are merely a ministerial action that are necessary to reflect that these FM commercial allotments are no longer reserved for NCE use by operation of law pursuant to *Reexamination of the Comparative Standard for Noncommercial Educational Applicants*. This action constitutes an editorial change in the Table of FM Allotments. Therefore, we find for good cause that a public notice and comment proceeding is unnecessary.⁴

¹ 47 C.F.R. 73.202(b).

² Channel *280C1 at Weiser, Idaho, Channel *246A at Merville, Iowa, Channel *228A at Columbus, Indiana, Channel *286A at Weatherford, Oklahoma, and Channel *248C2 at Denver City, Texas were previously removed from the FM Table because an authorization and/or license was granted. *See Various Locations*, Report and Order, 29 FCC Rcd 14695 (MB 2014). We reinstate and unreserve these NCE vacant allotments in the Appendix.

³ *See Reexamination of the Comparative Standard for Noncommercial Educational Applicants*, Second Report and Order, 18 FCC Rcd 6691, 6705 ¶ 38 (2003)(stating that the allotment will become unreserved by operation of law and subject to the Commission’s competitive bidding licensing procedures in the event that all applications for a reserved band allotment fail to propose the requisite level of first or second NCE service; *see also Various Locations Order*, Report and Order, 25 FCC Rcd 16937 (MB 2010)(classifying as unreserved by operation of law vacant FM commercial allotments reserved for NCE use because no applications were received).

⁴ *See* 5 U.S.C. § 553(b)(A) and (B).

4. The FM allotments set forth in the Appendix, are subject to the Commission's competitive bidding procedures. The window period for filing applications for these FM allotments will not be opened at this time. Instead, these allotments may be scheduled for auction and addressed in a future Order.

5. The Commission will not send a copy of this Order pursuant to the Congressional Review Act, see 5 U.S.C. § 801(a)(1)(A), because the adopted rules are rules of particular applicability.

6. **Ordering clauses.** Accordingly, pursuant to the authority found in 47 U.S.C. sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective, upon publication in the Federal Register, the FM Table of Allotments, 47 C.F.R § 73.202(b), IS AMENDED, in accordance with the changes set forth in the Appendix to this *Order*.

7. For further information regarding this proceeding, contact Rolanda F. Smith (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau

Appendix

APPENDIX

Community	Channel Deleted	Channel Added
Pima, Arizona	*296A	296A
Olathe, Colorado	*270C2, *293C	270C2, 293C
Otter Creek, Florida	*240A	240A
Weiser, Idaho	-----	247C1 ⁵
Cedarville, Illinois	*258A	258A
Greenup, Illinois	*230A	230A
Pinckneyville, Illinois	*282A	282A
Columbus, Indiana	-----	228A
Fowler, Indiana	*291A	291A
Madison, Indiana	*265A	265A
Asbury, Iowa	*254A	254A
Keosauqua, Iowa	*271C3	271C3
Moville, Iowa	-----	246A
Rudd, Iowa	*268A	268A
Council Grove, Kansas	*281C3	281C3
Golden Meadow, Louisiana	*289C2	289C2
West Tisbury, Massachusetts	*282A	282A
Cordell, Oklahoma	*229A	229A
Weatherford, Oklahoma	-----	286A
Liberty, Pennsylvania	*298A	298A
Denver City, Texas	-----	248C2
Van Alstyne, Texas	*260A	260A
Charlotte Amalie, Virgin Islands	*275A	275A

⁵ Channel *247C1 was substituted for *280C1 at Weiser, Idaho. On June 28, 2016, the Audio Division cancelled the license of Station DKFOA, Fac. ID No. 185150, File No. BLED-20160126ACK.

Oak Harbor, Washington	*233A	233A
Ashland, Wisconsin	*275A	275A
Hayward, Wisconsin	*232C2	232C2
Jackson, Wyoming	*294C2	294C2